

The equation is really pretty simple: If you're a random Democrat somewhere, even if you are guaranteed to win that House seat—one of 435—do you really want Kirk and Castle to run for Senate, where they have a good chance at winning one out of 100 Senate seats?

That goes double when the upper chamber often requires 60 percent of the votes to prevail. After all, one House seat is pretty expendable when you are close to an 80-seat majority, but one Senate seat is golden when you have an 18- or 20-seat edge in the filibuster-able Senate.

The latest example is Rep. Pete King (R-N.Y.), about whom our colleague Jeremy Jacobs writes in today's Campaign section.

Sure, Democrats want his ripe Long Island seat in their hands, but polling has also shown him within 11 digits of Sen. Kirsten Gillibrand (D-N.Y.), and he has the right kind of profile to be competitive for her seat.

King was bound and ready to run for Senate when it looked like Caroline Kennedy would win the Senate appointment, but he has since backed off. Now Democrats are working hard to put pressure on him, emphasizing that the State Legislature might make his reelections much harder in the next round of redistricting.

Democrats have also been applying pressure to another frequent target—Rep. Jim Gerlach (R-Pa.). Gerlach is a centrist in the same vein as Kirk, Castle and King, and he could pack some bipartisan appeal in a run for Senate.

Of course, the tactic isn't solely a Democratic province. Republicans have sought to put pressure on Reps. Peter DeFazio (D-Ore.), Stephanie Herseth Sandlin (D-S.D.) and Loretta Sanchez (D-Calif.) to seek their states' governors' mansions.

—A.B.

Mr. MCCAIN. Mr. President, it says:

Just a few years ago, before Democrats took control of Congress, the pharmaceutical industry was busy funneling millions to Republican candidates, at times giving the GOP three dollars for every one headed to Democrats.

Over the last two cycles, though, drug makers have been much more generous with the other party. In the 2008 cycle, pharmaceutical companies gave the two parties about \$14.5 million each, and this year the industry has given \$714,000 to Republicans and \$721,000 to Democrats.

Which helps to explain the e-mail sent by the top lobbyist for the Pharmaceutical Research and Manufacturers of America, known as PhRMA, which stated:

The Senate is on the tobacco bill today. Unless we get some significant movement, the full-blown Dorgan or Vitter bill will pass. . . . We're trying to get Senator DORGAN to back down—calling the White House and Senator REID. Our understanding is that Senator MCCAIN has said he will offer regardless. . . . Please make sure your staff is fully engaged in this process. This is real.

It really is real. It is real that it would provide savings to the millions of Americans who have lost a job, millions of Americans who are struggling to put food on the dinner table, and millions of Americans who are struggling with health care costs and the high cost of prescription drugs.

The Congressional Budget Office has estimated that this amendment would save American consumers \$50 billion over the next decade. Let me repeat—\$50 billion. Why is that? The Fraser In-

stitute found in 2008 that Canadians paid on average 53 percent less than Americans for identical brand-name drugs. Specifically, the institute found that the most commonly prescribed brand-name drug, Lipitor, is 40 percent less in Canada, Crestor is 57 percent less in Canada, and the popular arthritis drug Celebrex is 62 percent less expensive in Canada. Americans would love a 60-percent off coupon for prescription drugs and deserve such a discount now more than ever.

This morning, President Obama met with his Cabinet and announced that he intended to accelerate the distribution of the \$787 billion stimulus funds, which, by the way, were all supposed to be shovel-ready, but that is the subject of a different debate. Many have lamented the slow pace at which the stimulus funds are being spent. This amendment would provide an immediate stimulus to each and every American if enacted. Over half of all Americans must take a prescription drug every day, according to a 2008 poll by Kaiser Public Opinion, and millions more take prescription drugs when diagnosed with a virus or other ailment. Many Americans who are cutting household expenses cannot afford to cut out the prescription drugs they must take each day for their health. We must help these Americans by enacting this amendment.

Some of my colleagues have argued that this amendment should not be considered on legislation regulating tobacco and my efforts to add this amendment to the bill are actually holding up the bill.

The amendment is directly relevant to the underlying legislation. The bill would require the Food and Drug Administration to regulate tobacco because of its well-known negative health effects. This amendment would require the Food and Drug Administration to regulate the importation of prescription drugs from importers declared safe by the FDA. I reject any argument that this amendment is not related.

Furthermore, it is well documented that smokers have higher health costs than nonsmokers. So this amendment is necessary to assist those who have experienced so many health issues due to smoking. Smoking kills. I have supported stricter regulation of tobacco products for 10 years. In fact, this bill contains many of the provisions included in the National Tobacco Policy and Youth Smoking Reduction Act I introduced and fought for weeks on the floor of this Senate to achieve passage.

I don't seek to hold up consideration of the bill. I merely ask for an up-or-down vote on the amendment. Therefore, I think the American people deserve better than the monetary influence buying by PhRMA, an organization that has spent tens of millions of dollars to prevent the American consumer from being able to acquire prescription drugs, screened by the FDA, at a lower cost. That is what this is all about. It is the special interests versus

the American interests, and special interests—in this case, PhRMA—have won rounds 1 through 9. We will not quit this fight because the American people deserve it, particularly in these difficult economic times.

We may be blocked on this bill. We may be blocked on the next bill. But we will come back and back and keep coming back. That is my message to the other side and those at PhRMA. We will succeed in allowing Americans to acquire much needed, in some cases lifesaving, prescription drugs at a lower cost for themselves and their families. That is what this amendment is all about.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHANNIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Nebraska.

#### TRIBUTE TO OUR ARMED FORCES

SERGEANT JUSTIN J. DUFFY

Mr. JOHANNIS. Mr. President, today I rise in solemn remembrance of the life of a fallen hero, SGT Justin J. Duffy, of the U.S. Army's 82nd Airborne Division.

Justin died while serving his country in Iraq on June 2 when his humvee was struck by an improvised explosive device in eastern Baghdad. He was 31 years old.

A native Nebraskan, Justin was born in Moline and later moved with his family to Cozad, graduating from Cozad High School in 1995. He earned a degree in criminal justice from the University of Nebraska at Kearney.

After working in Kearney for 5 years, Justin joined the Army in June 2007, beginning a career that satisfied his sense of adventure and work ethic. He had been serving with the 82nd Airborne Division in Iraq since November of 2008.

Justin's family and friends referred to him as "The Shepherd." He was always looking after the welfare of others, putting their well-being above his own. In this same fashion, Justin selflessly gave his life while protecting the safety of others.

Justin is survived by his parents, Joseph and Janet Duffy, his two sisters, and his grandfather. Today I join them in mourning the death of their beloved son, brother, and grandson. Justin made the ultimate sacrifice in service to his country. Our Nation owes him and his family an immeasurable debt of gratitude. May God's peace be with Justin's family, friends, and all those who continue to mourn his death and remember his life.

Let us also pause today to remember and celebrate the lives of all our Nation's fallen soldiers, marines, sailors,

and airmen who have laid down their lives defending our country. We also lift in prayer all those serving our country today, spreading freedom and democracy abroad. May God bless them and their families.

Mr. President, I yield the floor and note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KYL. Mr. President, I ask I be permitted to take whatever time I may consume in my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

### START

Mr. KYL. Mr. President, there are three things I would specifically like to address today. First, briefly, a matter of concern to the Senate, namely the ongoing negotiations between the United States and the Russian Federation on the so-called START follow-on. Specifically, I am concerned that the administration is heading toward a confrontation with the Senate that could easily be avoided.

I ask unanimous consent to have two letters printed in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. KYL. Mr. President, the first is one I sent as Administrative Co-Chairman of the successor to the Arms Control Observer Group—to Assistant Secretary of State Rose Gottemoeller, prior to her confirmation by the Senate. The second letter is the response that I received from her.

The response makes clear that Assistant Secretary Gottemoeller would regularly consult with Senate committees and the National Security Working Group. In fact, the response from Ambassador Michael Polt, the then-Acting Assistant Secretary of State for Legislative Affairs, quotes Ms. Gottemoeller in her confirmation hearing: "For me, consultation is not a catch word. It is a commitment."

The National Security Working Group was established to provide a forum for the administration, any administration, to meet with and consult with a bipartisan group of Senators concerning matters that the administration may seek to advance through the Senate, especially on matters requiring the Senate's advice and consent.

The value of this working group was also recognized in the recent final report of the Perry-Schlesinger Commission.

I remind the administration: this is advice and consent.

If the administration wants to have the Senate on board when it concludes the treaty negotiation process—for example, when and if it attempts to have a treaty ratified by this body, it would be prudent for the administration to live up to its commitments and ensure thorough consultation with the Senate so it is on board at the beginning of the process.

I hope that this is possible. I believe it still is, but the administration must reverse course quickly.

### EXHIBIT 1

U.S. SENATE,

Washington, DC, April 1, 2009.

Hon. ROSE GOTTEMOELLER,  
Assistant Secretary of State for Verification,  
Compliance and Implementation—Nominated,  
Department of State, Washington, DC.

DEAR MS. GOTTEMOELLER: Congratulations on your nomination to be Assistant Secretary of State for Verification, Compliance and Implementation. This is an extremely important position; if confirmed, you will be the point person on matters with the greatest impact on the national security of the United States.

I was reassured by your response to Senator Lugar during the Foreign Relations Committee hearing on your nomination regarding your familiarity with the historical role played by the Arms Control Observer Group, now known as the National Security Working Group (NSWG), which, as you know, has the responsibility—by Senate Resolution—to support the Senate's advice and consent role by understanding in real time the Administration's negotiation positions on arms control matters and providing the Administration with feedback as to the perspective of Senators on those positions.

As Senator Lugar noted, the Arms Control Observer Group was created at the behest of President Reagan, who understood that it was vital for the Senate to be well-versed in ongoing negotiations—in that case, on arms control treaties—from the very beginning, so that it would be more likely the Administration could negotiate a treaty that the Senate would be able to support and ratify.

As you know, the National Security Working Group has been given the responsibility, on behalf of the Senate, to "act as official observers on the United States delegation to any formal negotiations to which the United States is a party on the reduction of nuclear, conventional, or chemical arms." In the past, it has been helpful for the Administration to provide regular briefings to the Members and designated staff of the Arms Control Observer Group throughout the formal and informal negotiation process.

In reviewing your response to Senator Lugar, it is clear to me that you understand the statutory and historical role of this Senate body. As an Administrative Co-Chairman of the National Security Working Group, I look forward to ensuring that this productive relationship between the Administration and the Senate continues.

I agree with Senator Lugar that this will be all the more important this year. In fact, in view of the commitment of Presidents Obama and Medvedev to reach an agreed draft on the next START treaty well in advance of the December 5th expiration of the current START treaty, we should probably begin briefings and consultation between the Administration and NSWG soon.

I hope you could begin discussing these matters with the NSWG Members and staff immediately upon your confirmation.

Sincerely,

JON KYL,  
United States Senator.

DEPARTMENT OF STATE,  
Washington, DC, April 2, 2009.

Hon. JON KYL,  
U.S. Senate.

DEAR SENATOR KYL: Thank you for your letter of April 1 to Rose Gottemoeller, the President's nominee for Assistant Secretary of State for Verification and Compliance, regarding the importance of consultation with the Congress and the National Security Working Group.

In Ms. Gottemoeller's testimony on March 26 before the Senate Foreign Relations Committee, she quoted a phrase from Secretary of State Clinton's statement before the Committee. She said, "For me, consultation is not a catch word. It is a commitment." Ms. Gottemoeller fully shares the Secretary's commitment.

If she is confirmed by the Senate, Ms. Gottemoeller would be working with the Congress as a partner in addressing our national security challenges. She would provide regular and complete briefings to the Senate Foreign Relations Committee, the Armed Services Committee, the Select Committee on Intelligence, the National Security Working Group, and other relevant and interested organizations.

We expect the future Assistant Secretary to engage in a dynamic consultation process with you and others in the Congress on the key national security issues in the Bureau's portfolio, including the follow-on to the Strategic Arms Reduction Treaty.

Sincerely,

MICHAEL C. POLT,  
Acting Assistant Secretary,  
Legislative Affairs.

### COMMISSION ON STRATEGIC POSTURE

Mr. KYL. Mr. President, the next matter I wish to address is a follow-on also to the bipartisan Commission on the Strategic Posture of the United States. I called it the Perry-Schlesinger Commission a moment ago. As part of the 2008 National Defense Authorization Act, Congress created this bipartisan Commission and charged the Commission of six Democrats and six Republicans to assess the needs of the United States with regard to nuclear weapons and missile defense and asked that it make recommendations regarding the role each should play in the Nation's defense.

As its Chair and Vice-Chair, former Secretary of Defense for President Clinton, William Perry, and former Secretary of Defense for Defense and Energy for Presidents Nixon, Ford and Carter, James Schlesinger, respectively, stated in testimony to the House and Senate Armed Services Committees, the Congress wanted the Commission to reach a bipartisan consensus on its recommendations and